THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 1390 of 2006

Madan Gopal Gupta S/O Sri Prakash Chand Gupta, R/O 41 Malian Mohala, Dehradun.

… **Petitioner.**

Versus

1. Civil Judge (Senior Division) Dehradun.
2. Ghanshyam Das Gupta S/O Late Sri Prakash Chandra, R/O 41 Malian Mohalla, Dehradun.
3. Subhash Chand Gupta S/O Sri Prakash Chand Gupta, R/O 41 Malian Mohalla, Dehradun.
4. Smt. Surekha Rani W/O Late Sri Padam Kumar R/O 41 Malian Mohalla, Dehradun.
5. Pankaj Goyal, S/O Late Sri Padam Kumar, Stamp Vender, Civil Court Premises, Dehradun.
6. Amit Goyal, S/O Late Sri Padam Kumar, R/O 41 Malian Mohalla, Dehradun.
7. Smt. Mokika Garg W/O Sri Sanji Kumar Garg, R/O 41 Malian Mohalla, Dehradun.

… Respondents.

Sri L.K. Verma, learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no.1.
Sri Gopal Narain, Adv., learned counsel for the respondent no.2.

Dated September 19, 2006.

Hon'ble B.S. Verma, J.

Sri Gopal Narain, Advocate filed power on behalf of the respondent no.2, which is taken on record.

The petitioner has filed the present writ petition for a direction of this Court to respondent No.1 to dispose of the Execution Case No. 41 of 1993, Prakash Chandra (deceased) Vs. Madan Gopal Gupta and others, pending before it in terms of the compromise dated 26-8-2006.

Learned counsel for the petitioner has submitted that this Court passed order dated 8-6-2006 in Writ Petition No. 671 of 2006 (M/S) directing the respondent no.1 to decide the execution case aforesaid within a period of the three months. After the order of this Court, the parties entered into compromise before the court concerned on 26-8-2006.

I have heard learned counsel for the parties and perused the material on record. The judgment debtor-petitioner moved an application on 26.8.2006 before the court below seeking three months' time to vacate the disputed premises and the decree holder also made an application to the effect that he shall have no objection to the time that may be granted by the Court.

In the facts and circumstances of the case, it will be in the interest of justice that three months' more time is given to the respondent no.1 to decide the execution case. Both the parties shall co-operate in the expeditious disposal of the case.

With the above direction, the writ petition is disposed of finally.

(B.S. Verma, J.)

19.09.2006
RCP